

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
GREENEVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JERRY LYNN MORRELL,

Defendant.

2:20-CR-42

**ORDER**

Defendant has filed a Late Filed Motion to Continue [Doc. 12] in which his counsel avers that more time is needed to determine whether to file pretrial motions as there is research and investigation to be conducted and witnesses to be interviewed, which has been made difficult due to social distancing for the COVID-19 pandemic. Counsel also notes that reviewing discovery with Defendant has been difficult due to restrictions in place because of the COVID-19 pandemic at the facility where Defendant is currently housed, which have prevented confidential conversations between Defendant and counsel. The United States did not oppose the motion [Doc. 13].

Given the current visitation restrictions in place as a result of the COVID-19 pandemic, the Court recognizes the difficulty that Defendant and his counsel have encountered in attempting to review discovery, determine what motions may need to be filed, fully consider possible options for resolution and to prepare for trial. The Court offered to schedule a new trial date within the confines of the Speedy Trial Act, specifically in early December 2020, but Defendant's counsel requested that the Court continue the trial date beyond this date due to the reasons set forth in the motion and the uncertainty regarding the COVID-19 pandemic and the timeframe for lifting

restrictions on communication and visitation. The Court finds that, based upon the foregoing, both Defendant's Motion to Continue and the oral motion to set outside the Act are well supported and are **GRANTED**.

The Court sets the following deadlines for this matter:

New Scheduling Dates	
Trial Date	<b>February 9, 2021, at 9:00 a.m. U.S. District Judge J. Ronnie Greer</b>
Estimated length of trial	<b>2 days</b>
Defendant's Pretrial Motions Due:	<b>December 18, 2020</b>
Government's Responses Due:	<b>January 1, 2021</b>
Plea Deadline	<b>January 26, 2021</b>
Requests for Special Jury Instructions	<b>5 days before trial</b>

For the reasons stated above, all time between the filing of this order and the new trial date identified above is hereby declared "excludable time" under the Speedy Trial Act. The ends of justice served by the granting of this continuance outweigh the best interests of the public and Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

If Defendant and the United States enter into plea negotiations which prove successful, a fully executed plea agreement shall be filed on or before the plea deadline identified above with an exact copy simultaneously furnished to the chambers of the district judge. All provisions in the Order on Discovery and Scheduling not explicitly amended by this order shall remain in effect.

SO ORDERED:

s/ Cynthia Richardson Wyrick  
United States Magistrate Judge